#### THE HONORABLE THOMAS O. RICE

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Attorney for Defendants

BRIAN TACKETT,

# IN UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF WASHINGTON

Plaintiff, vs.

PROVIDENCE SACRED HEART MEDICAL CENTER, KAVITHA CHAGANUR, MD,

Defendants.

Cause No. 2:24-cv-00262-TOR

DEFENDANT PROVIDENCE SACRED HEART MEDICAL CENTER AND KAVITHA CHAGANUR, M.D.'S ANSWER, AFFIRMATIVE DEFENSES TO PLAINTIFF'S SECOND AMENDED COMPLAINT

WITH JURY DEMAND

COME NOW Defendants, Providence Sacred Heart Medical Center and

Kavitha Chaganur, MD, in response to Plaintiffs' Amended Complaint with Jury

Demand dated November 3, 2024 (ECF No. 133) and hereby admits, denies and

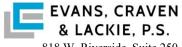
alleges as follows:

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ANSWER TO PLAINTIFF'S SECOND AMENDED COMPLAINT- page 1



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29 30 **JURISDICTION AND VENUE** 

- 1. Defendants admit to diversity of the parties. The remainder of the requisite components of 28 USC Section 1332 are not pled in Plaintiff's Complaint and are therefore denied.
- 2. Defendants admit that venue is proper.

#### **PARTIES**

- 3. Defendants lack sufficient knowledge to form a belief as to the truth or falsity of Plaintiff's allegation concerning his residency and therefore deny the same.
- 4. Defendants admit that Providence Sacred Heart Medical Center is located in Spokane, Washington. Defendants deny PSHMC is an "association." Any remaining allegations are denied.
- 5. Defendants admit that Defendant Kavitha Chaganur is a physician practicing at PSHMC in Spokane County, Washington. Any remaining allegations are denied.

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### **SUMMARY**

6. Defendants lack sufficient knowledge to form a belief as to the truth or falsity of the allegations contained in this section and therefore deny the same.

#### Standard of Care:

- 7. Defendants deny Plaintiff's allegations concerning the applicable standard of care, which they understand to be the entirety of this paragraph.
- 8. Denied as an improper statement of Washington law.
- 9. Denied as an improper statement of Washington law.

Departure from the Standard of Care:

- 10.Denied.
- 11.Denied.
- The Departure Cause the Injury: 19
- 12.Denied. 21
  - The Departure was a Gross Departure from the Standard of Care
- 13.Denied. 24

ANSWER TO PLAINTIFF'S SECOND AMENDED COMPLAINT- page 3



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PageID.175

# **APPLICABLE FACTS**

14. - 25. Defendants lack sufficient knowledge to form a belief as to the truth or falsity of the allegations contained in this Paragraph and therefore deny the same.

26. Defendants admit that decedent was admitted to PSHMC in Spokane, Washington. Defendants admit that, at periods of time, care was provided by Dr. Chaganur. The remaining allegations are denied.

27. Defendants admit Dr. Chaganur was an employee of Providence Sacred Heart Medical Center in 2018. All remaining allegations are denied.

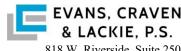
- 28.Denied.
- 29.Denied.
  - 30. Defendants assert that Plaintiff was accurately diagnosed based upon her complaints and physical symptoms at the time of her arrival at PSHMC including the stroke that she suffered prior to her arrival. Defendants deny any remaining allegations.
  - 31. Defendants deny the entirety of the allegations contained in this Paragraph.

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ANSWER TO PLAINTIFF'S SECOND AMENDED COMPLAINT- page 4



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32. Defendants deny the entirety of the allegations contained in this

Paragraph. The allegations are not specific and otherwise do not permit

Defendants to respond in any manner other than a denial.

- 33. This paragraph consists of a legal conclusion without factual foundation and Defendants therefore deny the same.
- 34.Defendants deny Plaintiff is entitled to any recovery. Defendants admit diversity of the parties.
- 35.Defendants deny the entirety of the allegations contained in this Paragraph. This paragraph contains a reference which requires consultation of documents outside the body of the Complaint.

### **CLAIM**

- 36.Defendants restate their prior answers as though fully set forth herein.
- 37.Denied.
- 38.Denied.
- 39.Denied.

Defendants deny each and every allegation contained in this Section of Plaintiff's Complaint.

ANSWER TO PLAINTIFF'S SECOND AMENDED COMPLAINT- page 5



PageID.177

**RELIEF** 

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The remainder of Plaintiff's Complaint consists of a prayer for relief to which no response is required. Insofar as this Paragraph requires a response, such allegations are denied. Defendants have fully answered Plaintiff's Complaint. To the extent any allegation contained in Plaintiff's Complaint has not heretofore been met with a response, such allegation or allegations are denied.

# **JURY DEMAND**

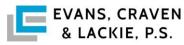
Defendants hereby request trial by a jury of the maximum number permitted by law of all issues so triable.

# AFFIRMATIVE DEFENSES

Without the benefit of having conducted discovery in the process of litigation, Defendants assert the following affirmative defenses:

- Plaintiff has failed to state a claim upon which relief can be granted. 1.
- 2. Based upon information and belief, and subject to discovery, Plaintiff may have failed to mitigate their damages, if any.
- Based upon belief, and subject to discovery, Plaintiff's claimed 3. injuries and damages may be the result of Plaintiff's own actions and inactions.
- 4. Fault, if any, should be attributed to any party at fault or non-party pursuant to RCW 4.22.070. This includes all of the entities Mr. Tackett has

ANSWER TO PLAINTIFF'S SECOND AMENDED COMPLAINT- page 6



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eviously sued for malpractice for the medical care rendered during and after the ne periods described in his Complaint, including all of the Defendants and rmer defendants listed in United States District Court for the District of Montana Missoula Division Case No. CV 21-00037-BMM.

- 5. Defendants acted within the standard of care.
- Some or all of Plaintiff's claims may be subsumed and foreclosed by 6. W 7.70, et seq.
- 7. Defendants reserve the right to supplement, strike or amend the regoing list of affirmative defenses in keeping with the course of discovery.

DATED this 12th day of June, 2025.

EVANS, CRAVEN & LACKIE, P.S.

/s/ Mark Louvier By:

MARKUS W. LOUVIER, #39319

Attorneys for Defendants Evans, Craven & Lackie, P.S. 818 West Riverside, Suite 250 Spokane, Washington 99201 (509) 455-5200

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#### **CERTIFICATE OF SERVICE**

I hereby certify that on 6/12/2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the following:

### Plaintiff, Pro Se

Brian Tackett
POB 448
Troy, Montana 59935
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/ s/

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29
30 ANSWER TO PLAINTIFF'S SECOND AMENDED COMPLAINT- page 8

